

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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<b>REPUBLIC RESTAURANT, INC.,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	
	:	<b>Case No. 03-CV-12649-NMG</b>
<b>HAYDAN WASHINGTON STREET, INC.,</b>	:	
<b>d/b/a PHO REPUBLIQUE and JACK H.</b>	:	
<b>BARDY,</b>	:	
	:	
<b>Defendants.</b>	:	

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**JOINT MOTION TO STAY DISCOVERY PENDING  
DISPOSITION OF CROSS MOTIONS TO DISMISS**

The parties in the above-captioned hereby jointly move to stay discovery pending disposition of the parties' cross-motions to dismiss. In support of this motion, the parties state as follows:

1. On June 28, 2005, the Court issued a Scheduling Order, setting deadlines for conducting pretrial discovery and filing motions.
2. The Court's Scheduling Order provides, among other things, that all written discovery requests are due to be served by August 31, 2005, and responses are to be served by September 30, 2005.
3. On July 8, 2005, the Plaintiff Republic Restaurant, Inc. filed a Motion Pursuant to Fed. R. Civ. P. 41(a)(2) to Dismiss Without Prejudice the above-captioned action.

4. On July 22, 2005, the Defendants Hydan Washington Street, Inc. and Jack H. Bardy filed their Opposition to Plaintiff's Motion Pursuant to Fed. R. Civ. P. 41(a)(2) to Dismiss Without Prejudice, and Cross Motion for Dismissal Upon Conditions.

5. It is anticipated that the disposition of the parties' cross-motions to dismiss will obviate the need for the parties to incur the expense of conducting discovery.

WHEREFORE, the parties respectfully request that this Honorable Court enter an order staying discovery and, to the extent necessary, all other scheduling deadlines, pending disposition of the parties' cross-motions to dismiss.

PLAINTIFF REPUBLIC RESTAURANT,  
INC.

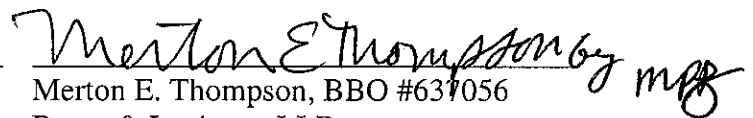
By its attorneys,

DEFENDANTS HYDAN  
WASHINGTON STREET, INC. D/B/A  
PHO REPUBLIQUE AND JACK H.  
BARDY,

By their attorney,



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Dated: August 29, 2005